



ROPES & GRAY LLP

ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050
BOSTON NEW YORK SAN FRANCISCO WASHINGTON, DC

November 25, 2003

John T. Montgomery
(617) 951-7565
jmontgomery@ropesgray.com

The Chambers of
The Honorable Patti B. Saris
United States District Court
for the District of Massachusetts
U.S. Courthouse
One Courthouse Way, Suite 2300
Boston, MA 02210

Re: In re: Pharmaceutical Industry Average Wholesale Price Litigation MDL No. 1456

Dear Judge Saris:

The Defendants appreciate the significant time devoted to oral argument on the Defendants' motion to dismiss the Amended Master Consolidated Complaint on November 21, 2003. As the Court noted, however, the multiple-source issues were not fully addressed in the briefs or in prior hearings, and the time available for argument last Friday was somewhat truncated. Moreover, from the Defendants' perspective, the situation is exacerbated by plaintiffs' assertion during argument of novel theories, charts and facts that do not appear in the AMCC or in the briefing currently before the Court. If additional perspective on these issues would be helpful to the Court, the Defendants would be pleased to provide additional argument either by way of expedited written submissions or further oral argument.

The Defendants understand that the Court does not wish to delay these proceedings unnecessarily, and we would be prepared to proceed on a highly expedited basis. We also note that oral argument is scheduled for the pending motions to dismiss the Nevada, Montana and County of Suffolk complaints on December 12, 2003, and we suggest that further argument could be presented on the multiple source issues either before or after that argument.

Very truly yours,

A handwritten signature of John T. Montgomery in cursive script.

John T. Montgomery

cc: All counsel of record (via Verilaw)